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LETTER DATED 10 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter dated 10 March 1997 relating to the report of the Secretary-General on the situation concerning Western Sahara (S/1997/166). I should be grateful if you would have the letter distributed to the members of the Security Council and issued as a document of the Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

97-06479 (E) 110397 110397

Annex

We have read the report on the situation concerning Western Sahara (S/1997/166) very carefully and should like to convey the comments and concerns of the Kingdom of Morocco with regard to that document.

I. THE QUESTION OF IDENTIFICATION

Morocco considers it regrettable that the 27 February 1997 report (S/1997/166) limits itself to stating that the identification process stalled late in 1995, without mentioning the main reason for that situation, which was described clearly in the report submitted to the Security Council on 24 November 1995 (S/1997/986).

The fact is that, according to paragraph 2 of the earlier report, "the basic obstacle to continuing and completing the identification process relates to certain tribal groups and to persons not resident in the Territory, in whose identification the Frente Polisario para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) does not agree to participate and, in many instances, has no sheikh, or alternate, to propose".

To reflect that fact, future reports should recall why the identification process stalled, so as to make clear what responsibility should be attributed to each side.

In his latest report, the Secretary-General also states that "the conditions posed by the two sides for further identification are incompatible" (S/1997/166, para. 4).

The Kingdom of Morocco has done its utmost to help bring the referendum process to an early conclusion and has always cooperated unreservedly. It has never posed any conditions for the continuation or resumption of the identification process and it would be unfair to accuse it of having done so.

Morocco's position, which is to defend the right of any person to take part in the referendum process who can prove that he or she belongs to Western Sahara, coincides fully with that of the United Nations, as reflected in many of the Secretary-General's reports, including that of 24 November 1995 which states that "the United Nations Mission for the Referendum in Western Sahara (MINURSO) had an obligation to consider all applications which had been correctly submitted" (S/1995/986, para. 3).

The other party is opposed to that right and has made its participation in the identification process subject to two conditions which are contrary to the spirit and the letter of the settlement plan.

That party is trying to restrict the right of Saharans to participate in the referendum by limiting that right to persons whose names appear in the Spanish census of 1974, a census whose omissions and flaws have been acknowledged by all forums, including the 1990 conference of tribal leaders.

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That party has also posed the condition that the lists of persons found eligible to vote by the Identification Commission should be made available. This is contrary to the provisions of the settlement plan, which stipulates clearly that such lists should be made available only at the end of the identification process and after they have been approved by the Secretary-General.

Paragraph 4 of the report of 27 February 1997 states that the number of persons identified by the time the identification process stalled "corresponds to the number of persons estimated to have survived since 1974, when the Spanish colonial authorities conducted a census indicating that 73,497 Saharans resided in the Territory".

Linking these figures could create misunderstandings. The Identification Commission has, in fact, received a certain number of applications, 233,487 of which have been processed (176,533 in the Territory on the Moroccan side, 42,468 in the camps at Tindouf and 14,486 in Mauritania), as can be seen from the Secretary-General's report of 24 November 1995 (S/1995/986). Other applications have still to be processed.

II. THE SECRETARY-GENERAL'S CONCLUSIONS AND RECOMMENDATIONS

The report indicates that the Secretary-General is reviewing a number of questions in an attempt to overcome the stalemate. Those questions include the possibility of making adjustments to the settlement plan.

The Kingdom of Morocco has affirmed repeatedly its attachment to full implementation of the settlement plan. It considers that the drafting of the plan was a long and arduous process and that altering it, which would necessarily entail altering all the implementing measures adopted by the different organs involved in the process, could prove to be an even longer and more complex process.

While Morocco remains committed to the settlement plan, the other party is doing its utmost to delay the referendum process and even prevent it from taking place.

Morocco has called repeatedly on the Security Council to fulfil its responsibilities by forcing the recalcitrant party to abide by the settlement plan, which was the outcome of intense negotiations and considerable effort. It would like to reiterate that call, so that the international community might take the necessary action and thereby end the suffering endured daily by fellow Moroccans in the camps at Tindouf.

Morocco considers that the international community, as represented by the Security Council, endorsed a plan for the settlement of the question of Western Sahara and that it should take the necessary action to impose its wishes, by ensuring the resumption and completion of the referendum process.